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Dated: _____ Signature: _____

Docket No.: 06733/0200031-US0
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ing-Chun Chen

Issued: November 9, 2004

Application No.: 10/658,026

Confirmation No.: 4048

Filed: September 9, 2003

Art Unit: 3711

For: BOOMERANG FOR SPORT

Examiner: S. B. Wong

REQUEST FOR REFUND OF PUBLICATION FEE

MS Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant received a Notice of Allowance and Fees Due (a copy of page 1 is attached) for the above-captioned application, mailed on July 28, 2004. The total fees due as stated in the Notice of Allowance is \$965.00. The sum specified in the Notice of Allowance includes the issue fee and publication fee. However, since the application was issued as a patent on November 9, 2004, within 18 months from the earliest filing date of September 9, 2003, this application is NOT subject to the publication fee. Applicant respectfully requests a refund of the publication fee of \$300.00. The fee was paid on October 1, 2004 with Applicants Check No. 6299. A copy of Applicants check is attached herewith.

This basis for non-publication is expressed in 37 C.F.R. 1.211(a)(3), namely, no publication is warranted when "[t]he application has issued as a patent in sufficient time to be removed from the publication process."

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The Patent Office is respectfully requested to credit the \$300.00 publication fee to our Deposit Account No. 04-0100.

Dated: July 19, 2006

Respectfully submitted,

By

Robert Schaffer

Registration No.: 31,194

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Attorneys/Agents For Applicant

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PT-3/SB/67 (09-04)
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Application No. (if known): 10/658,026

Attorney Docket No.: 06733/02/0031-USO

Certificate of Transmission under 37 CFR 1.8

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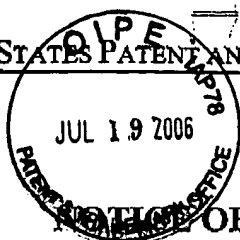
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Fax Transmission (1 page)
Request for Refund of Publication Fee (2 pages)
A Copy of Notice of Allowance and Fee(s) Due (1 page)
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07/28/2004

DARBY & DARBY P.C.
P. O. BOX 5257
NEW YORK, NY 10150-5257

DUE: October 28, 2004
Docketed on 8/6/04 by BWL for
Docketed without file ☐
Attorney (Signature)

EXAMINER

WONG, STEVEN B

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 07/28/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,026	09/09/2003	Ing-Chun Chen	06733/0200031-US0	4048

TITLE OF INVENTION: BOOMERANG FOR SPORT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES <input checked="" type="checkbox"/>	\$665	\$300	\$965	10/28/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTCL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

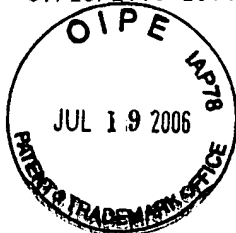
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B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



Return of this card properly stamped, will acknowledge receipt
 of: Transmittal of Issue Fee \$665.00 Publication fee \$300.00
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Applicant : Ing-Chun Chen
 Serial No. : 10/658,026
 Filed: : 09/09/03
 For : BOOMERANG FOR SPORT

Attorney : Raffaele A. DeMarco
 File No. : 067330200031us0

Mailed : 10/1/04 Mailer: B.W. Dea

EV 367698573-us

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